

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MARVIN HOLMES,

Plaintiff,

-against-

DR. ROBERT BENTIVEGNA et al.,

Defendants.

USDC SDNY
DOCUMENT
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DATE FILED: 10/25/2024

7:23-CV-5462 (NSR)

ORDER

NELSON S. ROMÁN, United States District Judge:

Plaintiff Marvin Holmes (“Plaintiff”) brings this action under 42 U.S.C. § 1983 for deliberate indifference to his serious medical needs. In response to Plaintiff’s letter, dated August 30, 2024, the Court orders the following:

1. The New York State Attorney General, who is the attorney for and agent of the New York State Department of Corrections and Community Supervision, must ascertain the identity of the Jane Doe Defendant who drew Plaintiff’s blood on October 19, 2019 and provide Plaintiff with the address where she may be served. The New York State Attorney General must provide this information to Plaintiff and the Court by November 25, 2024.
2. By January 6, 2025, Plaintiff must file a Second Amended Complaint naming the Jane Doe defendant.
3. By January 27, 2025, Defendants must answer or otherwise respond to the Second Amended Complaint, or inform the Court of their intention to file an appropriate motion in which case the parties are to follow the following briefing schedule:
 - a. Defendants’ moving papers are to be served (not filed) on February 26, 2025;

- b. Plaintiff's opposition papers are to be served (not filed) on March 28, 2025;
and
 - c. Defendants' reply papers are to be served on April 14, 2025.
 - d. All motion papers are to be filed by the parties on the reply date, April 14, 2025. The parties are directed to provide Chambers with two physical courtesy copies of their motion papers on the same date they are served on opposing counsel. The parties are further directed to provide the Court with an electronic courtesy copy of the motion papers as they are served per this Court's local emergency civil rules.
4. Defendants' pre-motion letter to file a motion to dismiss (ECF No. 36) is denied without prejudice and with leave to reinstate after the filing of Plaintiff's Second Amended Complaint.

SO ORDERED.

Dated: October 25, 2024
White Plains, New York



NELSON S. ROMÁN
United States District Judge